

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/010,813	LAY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Man Phan	2665	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the communications filed 05/05/2004.
2.  The allowed claim(s) is/are 1, 3-19 and 22-25 (Claims are renumbered as 1-22 respectively).
3.  The drawings filed on 13 November 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Examiner's Amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stuart Langley (Attorney for Applicant) on Sept. 28, 2004.

2. The application has been amended as follows:

IN THE SPECIFICATION:

Under Description of the drawings section, add the following:

Fig. 6 illustrated both a “basic switching” configuration and an “expanded switching” configuration in accordance with the present invention.

*Reasons for allowance*

3. This communication is in response to applicant's 05/05/2004 amendment in the application of Lay et al. for the “Method and apparatus for providing optimized high speed link utilization” filed 11/13/2001. The proposed amendment has been entered and made of record. Applicant's remark with regard to the rejection under 35 USC 103 are persuasive. The Declaration under 37 CFR.1.130 filed 05/05/2004 in support of the Applicant's statement of

common ownership, and in support against the cited prior art has been recorded. Furthermore, the subject matter of both Nelson et al. (US#6,148,004) and the present application was owned by, and/or subject to an obligation of assignment to McData Corporation.

4. Claims 1, 3-19 and 22-25 are allowable as evident by applicant's amendment (Claims are renumbered as 1-22 respectively).

5. The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a no obvious improvement over the prior art of record. The improvement comprises a fibre data interface, configured to couple to a 10.2 gigabit per second link, for receiving byte striped fibre channel frames; a front end coupled to the fibre data interface for transmitting and receiving byte striped fibre channel frames to and from the fibre data interface; a route controller coupled to the front end for route processing comprises determining a destination port on a switching element for fibre channel frames; and a backplane data interface operative for coupling to a plurality of ports on a switching element, as specifically recited in the claims. The instant invention, in combination with the other claimed features, improves upon the Prior Art by providing a method and system for providing optimized high speed link utilization.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Any response to this action should be mailed to:***

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306/9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

MPhan

Sept. 20, 2004

Man u. Phan

MAN U. PHAN  
PRIMARY EXAMINER